

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DAVID FREEMAN,)	
Petitioner,)	
)	
vs.)	CIVIL ACTION NO.: 2:06cv122-MHT
)	
RICHARD F. ALLEN, Commissioner,)	DEATH PENALTY CASE
Alabama Department of Corrections,)	
)	
Respondent.)	

**PETITIONER’S UNOPPOSED MOTION FOR AN
EXTENSION OF THIRTY DAYS TO FILE HIS REPLY BRIEF**

Comes now Petitioner, David Freeman, by and through undersigned counsel, and respectfully requests that this Honorable Court grant his Unopposed Motion For An Extension Of Thirty Days To File His Reply Brief. In support of this motion, Mr. Freeman states the following:

1. On July 11, 2007, this Court’s issued an Order granting the Respondent’s Final Motion For Extension of Time. The Order instructed Respondent to file its responsive brief on or before July 18, 2007, and instructed Petitioner to filed his reply brief on the merits on or before August 2, 2007.
2. Counsel for Petitioner all have other responsibilities and deadlines that prevent them from filing the reply brief on or before August 2, 2007.
3. Keir M. Weyble is affiliated with the Habeas Assistance and Training Project (HAT), which is funded by the Defender Services Division of the Administrative Office of the United States Courts and tasked with providing training, reference materials and consultation services to CJA panel attorneys and Federal Defenders in habeas corpus cases. HAT’s

largest training seminar of the year is scheduled for mid-August, and preparations for it have been under way for some time. Among other things, he is responsible for generating voluminous materials to be distributed to and utilized by the more than 200 habeas attorneys expected to attend the conference, which is extremely time-consuming (and time-sensitive). He will also present several lectures at the seminar, the preparations for which will also require considerable time during the next three weeks. In addition to his HAT obligations, he must also make substantial drafting progress on at least two pleadings to be filed in the near future in another capital federal habeas corpus case in another jurisdiction.

4. Christopher Seeds has a brief in opposition due to the United States Supreme Court on August 8, 2007.
5. Robin Konrad will be traveling to Michigan July 28, 2007, through August 2, 2007, on another case to comply with a Court Order requiring supplementation of the record within ten days. All other capital habeas attorneys with the Federal Defender Office have pre-existing duties, which include oral argument before the Eleventh Circuit on August 1, 2007, and pleadings due next week.
6. Counsel for Petitioner is seeking this extension of time in good faith, and the interests of justice will be served by granting this request.
7. Moreover, the Respondent will not be prejudiced if this extension is granted. Indeed, the Respondent requested (and this Court granted) four extensions of time in filing its responsive brief. [Docs. # 68, 72, 74, 78]
8. Undersigned counsel has conferred with counsel for Respondent, Michael Nunnelley, who does not oppose this request.

WHEREFORE, Mr. Freeman respectfully requests that this Honorable Court grant his Unopposed Motion For An Extension Of Thirty Days To File His Reply Brief. If this Court should grant the motion, the brief would be due thirty days from the current due-date, which would be September 4, 2007.

Dated this 26th day of July, 2007.

Respectfully Submitted,

s/Robin C. Konrad
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CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2007, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Michael Nunnelley, Esq.
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